

Kentucky Department of Fish & Wildlife Resources



Quarterly Commission Meeting

April 22, 2022 | 8:30 AM (ET)

In person: #1 Sportsman's Lane, Frankfort, KY 40601

Livestream: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

AGENDA

Opening

- Call to Order and Welcome
- Invocation
- Pledge of Allegiance
- Chair's Remarks
- Commissioner's Remarks & Presentations

Action Items

- Minutes from December 3, 2021 quarterly meeting
Attachment A-1
- Minutes from January 14, 2022 special called meeting
Attachment A-2
- Minutes from February 18, 2022 special called meeting
Attachment A-3
- Quarterly Financial Reports
Attachment A-4
- Simplify and update snagging, grabbing, and bowfishing regulations
 - Amend [301 KAR 1:410](#) - Taking of fish by nontraditional fishing methods.
 - Fisheries Division recommends simplifying and updating snagging and bow fishing regulations in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake.

- Fisheries Division also recommends adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake.

Attachment A-5

- Hunter Education Courses

- Amend [301 KAR 2:185](#) - Hunter Education
- Remove the requirement to carry a physical card as proof of certification
- Due to the passage of Senate Bill 241, update the regulation to be consistent with new language of KRS 150.170 which exempts current and former members of the Armed Forces and active certified peace officers from the live-fire component of the hunter education course.

Attachment A-6

Discussion Items

- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking fish or wildlife

- Promulgate a new regulation under wildlife definition in KRS 150.010
- Prohibit use in hunting, fishing, trapping, spotting, locating or reporting location of, harassing, taking, transporting, killing of fish or wildlife
- Exempt department and its agents conducting research and authorized management activities
- Exempt landowners/their agents engaged in lawful wildlife damage control activities

- Clarify bear chase permit requirements

- Amend [301 KAR 2:300](#)
- Specify that all participants in a bear chase shall have a bear chase permit
- Create nonresident permits

New Business Items

- Clarify Definition of Baiting for Wild Turkeys

- Amend [301 KAR 2:140](#) – Requirements for wild turkey hunting.
- Specify a set distance (600') from bait for hunting wild turkeys in fall to simplify regulation for hunters and conservation officers.

Attachment NB-1

- Expansion of Falconry Waterfowl Hunting Opportunity

- Amend [301 KAR 2:221](#) – Waterfowl seasons and limits.
- Extend the end of falconry season from Feb. 15 to last day of Feb., and set falconry light geese season as Mar. 1-31.

Attachment NB-2

- Remove Requirement for Sandhill Crane Hunters to Use Metal Leg Tags
 - Amend [301 KAR 2:228](#) – Sandhill Crane Hunting.
 - Remove the requirement for the department to issue and hunters to use, metal leg-tags on harvested cranes. Instead, hunters will be able to conveniently print tags with their crane hunting permit.
- Attachment NB-3
- Informational Update: Lake Cumberland Striped Bass status

Public Comments¹

Executive Session

- Land Acquisition Project

Action Item

- Land Acquisition Project

Adjourn

Next Scheduled Quarterly Commission Meeting Date: June 3, 2022

¹Public comments regarding New Business Items or Discussion Items on the agenda may be submitted by email to FW.PublicAffairs@ky.gov until 5:00pm (eastern) the day preceding the meeting, and those comments will be distributed to all Commission members prior to the meeting and read by staff during the Commission meeting by KDFWR staff for up to 3 minutes total per commenter, time permitting and at the discretion of the Commission chair. Emailed comments allow Commission members adequate time for consideration and correspondence if necessary, and they allow the Commission to conduct business more efficiently during meetings. Note: A commenter's contact information is not required for emailed comments, but will be necessary if information is requested, and other than name and affiliation it will not be publicly disclosed if provided. Anonymous comments will be distributed to the Commission members but may not be read during the meeting. The Commission chair reserves the right to not read publicly any comments that are libelous, profane, derogatory of others, redundant, or not relevant to the meeting agenda. Questions will receive an email response. Commenters should include "Commission meeting" in their email subject line and include their first and last name(s), Kentucky county(s) of residence (or state of residence if a nonresident), and organizational affiliation and position if they are an officer or official representative for a particular organization. In-person attendees of meetings may also request to speak up to 3 minutes total per commenter on New Business Item(s) or Discussion Item(s) on the agenda, but will be required to sign-in on the public comment request form on the counter at the meeting room entrance by 9:00am (eastern) on the day of the meeting, and provide name, county and state of residence, organization represented and position (if applicable), and applicable agenda items. Commenters who speak in person will not have their emailed comments read publicly at the meeting, and are asked to avoid voicing comments that are redundant with others speaking prior to them during the allotted public comments time.

Attachment A-1

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: April 22, 2022

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of December 3, 2021 Quarterly Commission Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Commission Meeting Minutes

Live Teleconference -

Posted at: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

December 3, 2021

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

Commission Members in Attendance – Dr. Karl Clinard, Jerry Ferrell, Brian Fisher, Dr. Robin Floyd, Paul Horn, Josh Lillard, Brian Mackey, Doug Morgan, and Ralph Swallows.

Call to Order (Video 03:06) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 03:43) – Ralph Swallows, Dr. Clinard

Welcome (Video 7:06) - Chairman Clinard opened the meeting by welcoming newly appointed Commission member, Jerry Ferrell, representing the 6th District.

Remarks by Commissioner Storm and Deputy Commission Clark (Video 11:38)

Public Comments (Video 40:04) Kevin Kelly, Chief Communications Officer, read a sampling of the questions or comments submitted to the department. All comments were shared with the Commission members prior to the meeting. (Kevin indicated that questions will be answered directly to the inquirer by the Commission Chairman or a staff designee.)

Regarding the proposed expansion of furbearer trapping:

“My name is Stephen Pickard and I live in Whitley County. I am president of United Trappers of Kentucky. Our officers, directors and all members that I’m aware of unanimously oppose the suggested trapping change presented at today’s commission meeting. I believe several individual trappers as well have each contacted each you directly opposing this. We feel it would be an ineffective solution to any perceived decline in the turkey population that would have little true effect if passed but has the potential of having numerous problems arise from it as I noted in the comments from UTK that were previously supplied to you.

We would prefer to see any potential change or action concerning turkey, and has always been with deer and elk, be managed with season length, regulation and limit/zone changes within that specie. We believe Kentucky furbearers should always continue to be managed as such and not be taken at a time when there is absolutely no fur value.

If landowner/property managers feel strongly enough that they have a furbearer problem, there is already ample time for them to purchase a trapping license and join the rest of us during the almost four-month furbearer trapping season when the animal can perhaps be utilized. Another option is for them to simply contact a trapper for help. There would be no incentive for a trapper to assist them in the spring.

We have always had the raccoon, skunk and opossum long before, during stocking and currently along with the turkeys. If there is a true decline problem with turkey, furbearers are only a part of it and most likely not the major issue. Habitat and wet spring weather are major factors. Kentucky currently has a very clearly defined trapping season that simply includes all furbearers, same dates, mid-November through February. It is far better to not begin going down the road of subdividing species and permitted traps for species for all parties involved. Should this begin today, you may see future issues to be addressed that range from more restricted, stipulated trapping equipment to year-round seasons on some selected species.

I ask that you make no changes and leave all furbearer regulations joined together as one season and not pass this selective season and specie extension today. Thank you”

-- Stephen Pickard, Whitley County, United Trappers of Kentucky

Regarding the proposed translocation of elk to McCreary County:

“The Rocky Mountain Elk Foundation (RMEF) appreciates the opportunity to comment on the Proposed Intrastate Translocation of Elk to McCreary County in Kentucky.

The mission of RMEF is to ensure the future of elk, other wildlife, their habitat, and our hunting heritage. RMEF’s 231,000+ members include hunters, ranchers, guides, outfitters, other business owners, wildlife

enthusiasts, and other conservationists who have both recreational and economic interests in hunting and enjoying elk on public and private lands. Since its creation in 1984, RMEF protected or enhanced more than 8.2 million acres of North America's most vital habitat for elk and other wildlife, including nearly 5,000 acres in the heart of Kentucky's elk country. RMEF supports the efforts of KDFWR to expand the occupied geographic range of elk in eastern Kentucky. Moving elk from areas of higher abundance to U.S. Forest Service lands in Elk Hunting Unit 1 will meet goals of the 2015 – 2030 Kentucky Elk Management Plan by successfully addressing Strategy I.1i to investigate the potential for using active, in-state translocation to establish elk herds in areas of the restoration zone that currently lack populations. Likewise, increasing elk abundance in the southwest region of Kentucky's Elk Management Zone to harvestable levels would significantly increase public land hunting opportunities for elk. Those opportunities will prove especially beneficial to the long-term management of the largest elk herd east of the Rocky Mountains. RMEF has strong partnerships with state and federal natural resource agencies throughout Kentucky's elk management zone, and we look forward to collaborating with KDFWR to ensure continued success of your elk program. To illustrate our support of KDFWR's current proposal, RMEF is prepared to commit \$130,000 to this important project. Additionally, we will offer volunteer assistance and technical guidance to assist in KDFWR's current elk management goals. Thank you for the opportunity to review and comment! Sincerely"

– Steven Dobey, RMEF Conservation Program Manager, Eastern U.S.

"The Daniel Boone National Forest, in full cooperation with KDFWR, is supportive of the proposal to relocate 25 - 50 elk to National Forest land within McCreary County. We believe this proposal will help propagate the herd in this section of the elk zone and provide for improved hunting and viewing opportunities in the future. We thank the Department for their work on this proposal and look forward to supporting the Department on future ventures."

–H. Scott Ray, Certified Wildlife Biologist and Forest Supervisor, Forest Service, Daniel Boone National Forest, Supervisor's Office

"Just wanted to let you know that we are very excited about the news that you will be introducing elk to our County. Myself and the Fiscal Court give you our full support on this important development. This will further our efforts to improve our tourism industry in the county. Please let me know if we can be of any assistance."

– Jimmie W. Greene II, County Judge Executive, McCreary County

Regarding the proposed amendments to licensing regulations:

“Outstanding idea!!!!!! Can't wait for this to happen. KDFWR is doing an excellent job! Thanks for everything!”

-- Derrik Freeman

“This is a great idea! More time for the employees to do other things and I love the idea of yearly renewal being easier. Thanks for listening!!”

-- Anonymous

Action Items

- September 3, 2021 Quarterly Minutes
- September 10, 2021 Special Called Commission Meeting Minutes
- September 15, 2021 Special Called Commission Meeting Minutes
(Video 51:05)
 - Commission member Lillard **made a motion to accept all the minutes**, seconded by Dr. Robin Floyd. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, Doug Morgan, Dr. Robin Floyd, Jerry Ferrell. ***The motion carried unanimously.***
- Quarterly Financial Statement (Video 52:37)
 - Lisa Cox, Administrative Services Director, presented the budget. Brian Mackey had questions about the amount of content included in the quarterly financial documents. Several Commission members voiced their support and approval of the process in quarterly reports. Dr. Clinard asked for Mrs. Cox to send an email with links to the information discussed. Ralph Swallows made a **motion to accept the financial statement as presented**, seconded by Paul Horn. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Doug Morgan, Dr. Robin Floyd. Nay: Brian Mackey. Abstain: Jerry Ferrell. ***The motion carried.***
- Chronic Wasting Disease Surveillance (Video: 1:11:47)
 - CWD Incidence Response Coordinator, Gabe Jenkins, gave an update on the surveillance zone, progress of testing, activity at CWD check stations, public outreach efforts, and hunter feedback. He also presented information on statewide deer harvest. Brian Fisher asked for comparison data of antlerless deer from other zones in the state vs. zone one.
- Working Groups – Update (Video: 1:36:12)
 - Doug Morgan gave an update on the WMA Working Group, a new property recently purchased, Sunnybrook WMA, and a tour he gave there to a group of combat veterans.
 - Dr. Clinard noted that Dr. Robin Floyd would like to serve on the Budget Working Group and the Alternative Income Working Group. Brian Fisher made a **motion to nominate Dr. Floyd to both working groups**, Paul Horn seconded the motion. Votes were as follows: Yes, Brian Fisher, Paul

Horn, Josh Lillard, Ralph Swallows, Doug Morgan, Jerry Ferrell and Brian Mackey. Abstain: Dr. Robin Floyd. ***The motion carried.***

- Amend [301 KAR 3:012](#) to allow the public to use Otter Creek Outdoor Recreation Area during spring turkey hunting hours. (Video: 1:49:45)
 - Brian Clark gave an update for the Wildlife Division due to the Wildlife Division Director position being recently vacated by Chris Garland's retirement. Josh Lillard made a motion **that Otter Creek Recreation Area in Meade County be opened to the public during spring turkey hunting season.** Brian Mackey seconded the motion. Votes were as follows: Yes, Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Doug Morgan, Jerry Ferrell, Brian Mackey, and Dr. Robin Floyd. ***The motion carried.***
- Potential Measures to Enhance Wild Turkey Recruitment (Video 1:55:20)
 - Brian Clark read a series of provisions recommended by Commission member Fisher to amend turkey regulations. Wildlife Division Turkey Coordinator, Zak Danks, gave a presentation on recent turkey population information and a potential research project to be mentioned after the discussion on proposed amendments to turkey regulations. Laura Palmer, Wildlife Program Coordinator, also contributed furbearer trapping season information. Given the absence of empirical evidence that any of these would improve recruitment, the Wildlife Division recommends focusing on (a) education of landowners and hunters about potential adverse effects of baiting/feeding and the importance of habitat improvement, and (b) private lands assistance to improve turkey habitat.
 - Brian Fisher made a **motion to expand night-time coyote hunting with rifles through June 30, except the season would be closed April 1-May 15.** Seconded by Brian Mackey. Votes were as follows: Yes, Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried unanimously.***
 - Brian Fisher made a **motion to expand furbearer trapping for selected nest predators to include March 1-June 30 using only dog-proof traps and live traps (traps to be no larger than 11x11).** Ralph Swallows seconded the motion. Wildlife would not recommend action on this motion. Specifics will need to be promulgated in regulation if the Commission will proceed with the change. Votes were as follows: Yes, Brian Fisher and Ralph Swallows; No, Dr. Robin Floyd, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion was defeated.*** Brian Fisher asked Brian Clark to provide information from the Wildlife Division related to the designation of raccoons and possums as a nuisance animal similar to coyotes.
 - Brian Fisher made a **motion to restrict WMA bag limit to no more than 1 turkey per hunter per WMA.** Josh Lillard seconded the motion. Brian Clark provided information from the Wildlife Division on this topic. The votes were as follows: Yes, Brian Fisher, Ralph Swallows, Brian Mackey,

Josh Lillard, Jerry Ferrell; No, Paul Horn and Doug Morgan. ***The motion carried.***

- Brian Fisher made a **motion to eliminate harvest of non-bearded turkeys during fall hunting seasons**. Brian Mackey seconded the motion. The votes were as follows: No, Dr. Robin Floyd, Paul Horn, Doug Morgan; Yes, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell. ***The motion carried.***
- Brian Fisher made a **motion to extend prohibition of baiting from May 31 to July 31 each year**. Ralph Swallows seconded the motion. Discussion followed. The votes were as follows: Yes, Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn; No, Doug Morgan. ***The motion carried.***

(Ralph Swallows needed to leave the meeting at 11:17 am for a short time.)

- Brian Fisher made a **motion to remove caliber restrictions on nighttime coyote hunting**. Dr. Robin Floyd seconded the motion. Discussion followed. Paul Horn asked for clarification regarding centerfire vs. rimfire. Laura Palmer read language from the current regulation. Brian Fisher withdrew the motion. Brian Fisher then made a **motion to allow nighttime coyote hunting on private land with any modern firearm**. Seconded by Brian Mackey. Votes were as follows: Yes, Dr. Robin Floyd, Brian Fisher, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried.***

Meeting resumed after short 15-minute break (Video 3:12:43)

- Brian Clark presented information on the turkey research project Zak Danks had previously introduced. Due to the timing involved in the procurement process for contracts and grants, it is being introduced for the Commission to consider for possible action if supported. Dr. Mike Chamberlain and Dr. Bradley Cohen joined Mr. Danks for discussion on this project. The department funding would come from federal funds through grants in the budget request being presented to the General Assembly for consideration in the 2022 state budget. Brian Fisher made a motion to **approve the research project**. Brian Mackey seconded the motion. The votes were as follows: Yes, Dr. Robin Floyd, Brian Fisher, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***
- Elk Population Modeling Research Proposal (Video: 3:35:20)
 - The Wildlife Division recommends contracting with the University of Kentucky to produce an updated Statistical Population Reconstruction (SPR) model for elk in Kentucky, incorporating recent elk-collar research and other relevant data with a goal of completion by December 2022. Paul

Horn made a **motion to proceed with the research project**. Josh Lillard seconded the motion. The votes were as follows: Yes, Dr. Robin Floyd, Brian Fisher, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan; No, Brian Mackey. ***The motion carried.***

- Elk Permit Quotas for 2022 (Video: 3:55:20)
 - The Wildlife Division recommends retaining the same elk permit quotas as 2021, with a total of 594 permits available in the 2022 Elk Hunt Drawing. Josh Lillard made a **motion to approve the item as suggested by the wildlife division**. Paul Horn seconded. Discussion followed. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan; No, Brian Mackey. ***The motion carried.***
- Elk Herd Expansion to McCreary County (Video: 3:59:20)
 - The Wildlife Division seeks approval of the Commission to relocate 25-50 elk to Daniel Boone National Forest and other suitable habitats in McCreary County from non-hunted areas elsewhere in the elk zone, using grant funding from Rocky Mountain Elk Foundation. Josh Lillard made a **motion to approve this action as requested**. Paul Horn seconded that motion. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***

(Ralph Swallows returned at 12:42 pm and was updated on the current action item to rejoin and vote accordingly.)

- Elk Permit “Loyalty Redraw” (Video 4:15:55)
 - Brian Blank, Marketing Division Director, gave an update on marketing initiatives and upcoming events to promote the elk hunt drawing.
 - Brian Clark presented information previously recommended by the Elk Working Group and Public Relations Working Group. The Department proposes opening the application window on August 1st of the year preceding an elk hunting season when the permit would be used and implementing a “Loyalty Redraw” secondary drawing each year for leftover elk permits to be offered to longest-running applicants who have never drawn a permit. Doug Morgan made a **motion to approve the motion as recommended**. Ralph Swallows seconded the motion. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried.***

Commission took a 30-minute recess for lunch.

- Licensing – Update antiquated language and accommodate modernization efforts in applicable regulations (Video 5:10:08)

- Brian Clark provided background information on the action item from past committee meetings and recommendations from the Public Relations Working Group starting in 2018 to look at licensing modernization efforts. The following recommended amendments for regulations were discussed.
 - Amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
 - Amend [301 KAR 5:010](#) by updating vendor language for consistency.
 - Amend [301 KAR 5:020](#) to update antiquated language and:
 - Add vendor-provided solution language
 - Add issuance fee and operational fee language
 - Alter agent commission amount to be based on percentage of sale rather than fixed per-transaction amount
- Discussion and questions followed the presentation. Tourism, Arts and Heritage Cabinet General Counsel, Sarah Cronan, provided legal information and state government procedures for the request-for-proposal (RFP) process. Ralph Swallows made a **motion to get more information and table the discussion until a special called business meeting to be set in the near future**. Brian Mackey seconded the motion. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Paul Horn, Doug Morgan. ***The motion carried.***

(Jerry Ferrell needed to leave the meeting for other obligations.)

- Sport Fishing Regulations (Video 6:19:42)
 - Fisheries Division Director, Dave Dreves, proposed amendments to simplify, update, and add/remove special fishing regulations for black bass, trout, catfish and muskellunge.
 - Amend [301 KAR 1:201](#) Taking of fish by traditional fishing methods. Simplify size and daily creel limits for black bass species and add special regulations for select species where warranted in particular streams or lakes. Discussion followed. Mr. Dreves will report information back to the Commission about striper numbers on Lake Cumberland as an update at the next quarterly meeting. Doug Morgan made a **motion to pass amendments as written**. Seconded by Ralph Swallows. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Paul Horn, Doug Morgan. ***The motion carried.***

Discussion Items

- Simplify and update snagging, hand-grabbing, and bowfishing regulations (Video 6:28:44)
 - Amend [301 KAR 1:410](#) - Taking of fish by nontraditional fishing methods.

- Fisheries Division Director, Dave Dreves, discussed recommendations to simplify and update snagging and bowfishing regulations in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake. There would also be amendments needed to [301 KAR 1:155](#) to further protect sturgeon and mimic language in other regulations.
- Fisheries Division also recommends adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake. These specific recommendations will be moved to an action item for the next quarterly meeting.
- Hunter Education Courses (Video 6:41:08)
 - Information and Education Director, Gabe Jenkins, presented information to amend [301 KAR 2:185](#) - Hunter Education. This amendment would remove the requirement to carry a physical card as proof of certification. This item will be presented as an action item for the next quarterly meeting.
- Transferability of Elk Permits issued through Landowner-Cooperator public access and Elk Restoration incentive programs (Video 6:44:37)
 - Brian Clark reviewed information to amend [301 KAR 2:132](#) - Elk hunting seasons, permits, zones, and requirements
 - Require assignment of permits directly from Department to landowner-designated hunters. John Hast explained that changes in protocols in recent years seem to have eliminated problems in this regard. Discussion followed. The item was tabled indefinitely and will be taken up again at a later date if problems arise.

New Business

- Prohibit use of aircraft (drones, helicopters, airplanes, etc.) for taking wildlife (Video 6:51:14)
 - Colonel Eric Gibson, Law Enforcement Division Director, discussed several recommendations to promulgate a new regulation under wildlife definition in KRS 150.010. These ideas included: Prohibit use in hunting, fishing, trapping, spotting, locating or reporting location of, harassing, taking, transporting, killing of fish or wildlife. Colonel Gibson was asked to obtain regulation language from other state agencies for the Commission to study and consider prior to the next quarterly meeting.
- Clarify bear chase permit requirements (Video 7:04:43)
 - Brian Clark introduced recommendation from the Wildlife division to amend [301 KAR 2:300](#). This clarification would specify that all participants in a bear chase shall have a bear chase permit. Proposed to also create nonresident permits in the following categories:
 - NR Youth Bear Chase Permit - \$15
 - NR Bear Chase Permit - \$50
 - NR Youth Bear Permit - \$100
- Suggestion from 5th District Commission Member Josh Lillard (Video 7:09:29)

- Mr. Lillard suggested an amendment to 301 KAR 2:132 Elk Season Permit Zones and Requirements. He recommended a provision under Section 14, Elk Permit Deferral, that would allow deferral of elk permits by military personnel who are deployed or stationed outside Kentucky and can't hunt during their assigned season. Commission members agreed to advance this item for the next quarterly meeting.

Executive Session (per [KRS 61.810](#)) (Video 7:28:05)

Chairman Clinard read the following statement regarding entering executive (closed) session:

All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific items listed in KRS 61.810.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions. Today's closed session is to discuss pending litigation against the Commission. Closed sessions for litigation matters are not subject to the requirements of KRS 61.815, however, in the interest of transparency, we shall provide that information. In addition to the litigation discussions, we will be discussing two potential land acquisitions, both acquisitions are potential land purchases.

In today's session, the Commission will receive updates regarding two pending litigation matters. Both cases are in Franklin Circuit Court. The first arising from Larry Richards' allegation of an open meetings violation. The second being an open records appeal by the Kentucky Open Government Coalition. This portion of the session will be closed to protect the Commission's litigation interests. The closed session is authorized by KRS 61.810 under Section 1(c). That section permits closed sessions for discussions of proposed or pending litigation against or on behalf of a public agency.

The discussions of the potential land acquisitions shall occur in closed session to protect the state's interests in the acquisition of land. It is well known that land acquisitions by the Commonwealth require a lengthy process of review and approval, generally requiring much longer timeframes than private party acquisitions. By identifying KDFWR's interest in the particular parcels, the general public would be alerted to the owners' willingness to sell the property and that KDFWR may be a future purchaser of the property. As such, the publicity increases the likelihood other parties may make offers on the property. Such competing offers could increase the values of the properties. Alternatively, a private party could purchase a property from the current owner

more quickly than the Commonwealth and require the Commonwealth to pay a premium to acquire it.

The closed session is authorized by KRS 61.810 under Section 1(b) for the potential land acquisitions.

No final action will be taken in the session and no other business will be discussed other than that I just described.

During the closed session, necessary members of staff will be present to advise the Commission and make presentations regarding the topics I just described.

Paul Horn made a ***motion to go into Executive Session***, seconded by Josh Lillard. Dr. Clinard asked members to raise their hand indicating a favorable vote to enter executive session. Votes were as follows: Yes: Dr. Robin Floyd, Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Brian Mackey, and Doug Morgan. ***The motion carried unanimously.***

- Discussion – Update on Litigation
- Discussion – Land Acquisition Projects

Action Items

After open session resumed, Dr. Clinard entertained motions concerning the items discussed in closed session. (Video 8:15:57)

- Land Acquisition Projects. Josh Lillard made a ***motion to proceed forward with acquisition of tracts A and B as described in executive session.*** Paul Horn seconded the motion. Vote was taken by raising of hands. Votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

Adjourn

Brian Fisher made a ***motion to adjourn***, seconded by Dr. Robin Floyd. Vote was taken by raising of hands. Votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Paul Horn, and Doug Morgan. ***The motion carried unanimously.***

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: April 22, 2022

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of January 14, 2022 Special Called Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Commission Meeting Minutes

Live Teleconference -

Posted at: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

January 14, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (ET)

Commission Members in Attendance – Dr. Karl Clinard, Paul Horn, Brian Fisher, Josh Lillard, Brian Mackey, Doug Morgan, Jerry Ferrell, Dr. Robin Floyd, and Ralph Swallows.

Call to Order (Video 03:44) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 04:21) – Commissioner Rich Storm, Dr. Clinard

Remarks by Commission Chair and Commissioner Storm (Video 5:49)

Public Comments (Video 10:19) Kevin Kelly, Chief Communications Officer, read the one comment submitted to the department.

- Commissioner Storm, Deputy Commissioner Clark, and Commission Members: My name is Edwin Nighbert, I am past president of The League of Kentucky Sportsmen, past director for the 6th District of The League, a Lifetime member of The League, Safari Club, Ducks Unlimited and Pheasants Forever, lifelong hunter and fishermen, and a steward of our resources. I am writing today to voice my

concerns on the implementation of a third-party vendor to issue and sell licenses to the sportsmen and women for the Commonwealth. I am not necessarily opposed to such a move, as I and many others use them for other states. My concern is that if, as stated by Deputy Commissioner Clark, 60% of all license sales are currently done through the KDFWR Website (a very good and navigable website) then why is it necessary to fix a problem that does not exist? Seems to me that it would be easier and much more cost effective to direct people to the website, and *My Profile*. This is available to all through the modern technology of cell phones WITHOUT requiring an app. (and yes one must have internet to access both websites and apps). The department then gets to keep ALL monies received without the potential of raising our prices yet again.

Another issue that is not addressed is what assurances are given that there won't be a failure of platforms resulting in not being able to purchase licenses for any amount of time? This was seen in Wisconsin the day before the modern gun season, where some 80% of nonresidents were prevented from buying a license and therefore not able to legally hunt opening day. What redundancies are required by the vendor to insure this doesn't happen? The auto renewal feature should be an OPT IN ONLY process as well. If it is not, and licenses are renewed without consent, this could be a sticky wicket legally, and cost us in lawsuits. Good thing we have \$27 million in the bank to cover legal expenses.

Those questions asked, this is another attempt to subvert the process in which stakeholders are to have a comment period, which has been severely lacking since the abolition of the committees. This subject was broached at the December 3rd Commission meeting for the first time to many of our knowledge. Again, following the Dept. guidelines on "working groups", where is the working group for this issue? When did they meet? What stakeholders were present for the discussion of the business and where is the final proposal to come out of the working group to go to the commission for discussion and subsequent action? Where are the minutes of the working group meeting? When and where were the meetings announced for stakeholder participation?

The procedural problems here are part and parcel to the absence of "working groups" and more so the absence of stakeholder representation in these groups that are presently "meeting".

Finally, how is the contract for the 3rd party vendor to be awarded? Done behind closed doors with no transparent bid process, even in retrospect?

Will we find, after the truth washes out, that the bid is awarded through cronyism, nepotism, or no bid at all? Or will it actually be a bid process and the point system currently used by the Commonwealth for RFD's?

I await with bated breath to see if the stakeholders are truly as important to OUR Department for anything but our dollars. I will probably die of self-asphyxiation before that truth comes out." -- Edwin Nighbert

Kevin Kelly then read responses to Mr. Nighbert's questions prepared by department staff in the interest of transparency:

- Why is it necessary to fix a problem that does not exist?
 - Answer: In short, problems do exist with the current operations related to licensing, such as:
 - sub-optimal customer service (as defined by a substantial proportion of customers who expect and are demanding an app and features associated with modernized licensing and IT functions);
 - impracticality of maintaining adequate IT staffing, now and into the future; and
 - substantial lost revenue due to an outdated licensing delivery model.

These problems have been explained during the discussions on this topic in the 3 previous Commission meetings, in emails to individual Commission members or all, and in the question-and-answer document compiled for the Commission and public in the interest of transparency.

- What assurances are given that there won't be a failure of platforms resulting in not being able to purchase licenses for any amount of time? What redundancies are required by the vendor to insure this doesn't happen?
 - Answer: The Department has experienced server outages and other issues related to current delivery of licenses that have resulted in significant lost or delayed revenue. In third-party vendor contracts, losses can be recouped through penalties and potentially other means. Pathway redundancies can be required to preclude the possibility of such losses. These are not new issues, and other states have experienced or pre-emptively addressed these concerns in their operations, procurement and contracting processes, which the Commonwealth of Kentucky will have the benefit of learning from in its procurement and contracting processes.
- Was this business item processed through a working group, and if not, what process was used to bring it before the Commission?
 - Answer: Once again, as previously discussed, the Public Relations Committee of the Commission explicitly and publicly discussed in 3 meetings during 2019 topics of modernization to enhance the experiences of Department customers, including potential licensing and app functions and features. Various stakeholders/ organization leaders were present at all these public meetings. Note the focus is on enhancing the customer experience, not solely or even primarily on increasing agency revenue (although sustainable revenue is essential to sustaining quality customer experiences as well). You can view these public meetings using links provided in a "timeline of discussions" document posted with the agenda for this meeting on the Department's website. The Public Relations Committee introduced and discussed this topic publicly at 3 meetings in 2019:
 - February 2019

- May 2019
- November 2019

Note that at the November 2019 meeting the fact that features could not be specified was explicitly discussed and that a team of staff were working with the Commonwealth Office of Technology and the Finance Cabinet. The Commission strongly tasked agency leadership and staff at that time to proceed! Again, stakeholders/ organization leaders were present at this meeting and appeared to be in favor of pursuing these customer experience enhancements through an RFP for licensing and IT solutions.

After considerable research conducted by staff during 2020-2021 in conjunction with the Commonwealth Office of Technology and the Finance and Administration Cabinet, including a Request for Information process in 2021, required next steps were identified, including regulation changes that were necessary to allow for a third-party vendor of licenses/permits and related IT solutions. Thus, the currently proposed regulation changes were then introduced to the Commission following the 3-step business process adopted in January of 2020. The item was presented to the Commission as a business item 3 times in 2021:

- New Business Item in June 2021
- Discussion Item in September 2021
- Action Item in December 2021

Because some stakeholders indicated that they just learned of the proposal immediately prior to the December 3 meeting, the Commission tabled the discussion for another month of deliberation pending scheduling of this special called meeting. The timeline of these discussions, including links to the Commission videos, is publicly available on the Department's website under the calendar of events and the Commission meetings page here: <https://app.fw.ky.gov/Calendar/Detail.aspx?ID=67119>

- How is the contract for the 3rd party vendor to be awarded -- will it actually be a bid process currently used by the Commonwealth for RFPs?
 - Answer: The RFP process will be overseen by the Finance and Administration Cabinet's Office of Procurement Services. When the RFP is finalized, a procurement specialist within Finance/OPS will be assigned, and that buyer will ensure applicable laws and policies are followed, including handling all communications with bidders and proctoring the bid evaluation process.

Action Items

- Licensing – Update antiquated language and accommodate modernization efforts in applicable regulations (Video 20:30)

- Lisa Cox, Administrative Services Director, presented information to summarize and provide history of how the proposed amendments were brought to the Commission, then re-stated them as follows:
- Amend [301 KAR 5:001](#) by updating definitions to remove antiquated language and accommodate licensing vendor-provided services.
- Amend [301 KAR 5:010](#) by updating vendor language for consistency.
- Amend [301 KAR 5:020](#) to update antiquated language and:
 - Add vendor-provided solution language
 - Add issuance fee and operational fee language
 - Alter agent commission amount to be based on percentage of sale rather than fixed per-transaction amount

Discussion followed the presentation. Steven Fields and TAH General Counsel, Sarah Cronan, gave legal background and guidance for the requirements and restrictions involved in the license proposal process. Commission member Doug Morgan made a **motion to pass this action item as presented**, seconded by Josh Lillard. Dr. Clinard called for a vote. Votes were as follows: Yes: Brian Fisher, Paul Horn, Josh Lillard, Ralph Swallows, Doug Morgan; No: Dr. Robin Floyd, Brian Mackey, Jerry Ferrell. ***The motion carried.***

Adjourn

Josh Lillard made a **motion to adjourn**, seconded by Brian Fisher. Votes were taken by a show of hands or verbal “aye”. ***The motion carried unanimously.***

Attachment A-3

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: April 22, 2022

Regulation Number: N/A

Regular or Emergency: N/A

Action Item: Approval of February 18, 2022 Special Called Meeting Minutes

Kentucky Department of Fish & Wildlife Resources



Commission Meeting Minutes Special Called Commission Meeting

Live Video Teleconference

Web link: [YouTube.com/FishandWildlifeKY](https://www.youtube.com/FishandWildlifeKY)

February 18, 2022

#1 Sportsman's Lane

Frankfort, KY

8:30 AM (EST)

Commission Members in Attendance – Dr. Karl Clinard, Paul Horn, Brian Fisher, Josh Lillard, Brian Mackey, Doug Morgan, Jerry Ferrell, Dr. Robin Floyd, and Ralph Swallows.

Call to Order (Video 03:14) – Chairman Clinard

Invocation and Pledge of Allegiance (Video 03:54) – Ralph Swallows, Dr. Karl Clinard

Remarks by Commission Chair and Commissioner Storm (Video 05:30)

- Dr. Clinard read the following statement for the special commission permit application process:

“Each year the Commission has the opportunity to award Special Commission Permits to qualifying wildlife conservation organizations who apply for consideration. To apply, all applications and supplemental materials must be

post marked or received by the Department no later than May 1st. They also strongly recommend that applicants have another member of the applying organization double-check applications to ensure all required elements are included before submitting. Our legal staff recommend you submit your applications early if possible. If our staff discover a deficiency in an organization's application and there is ample time allowed for before the deadline, staff may be able to work with you to remedy the deficiency prior to the application deadline. While applications can be submitted by email, in person, by mail, staff ask that you submit your applications by email if possible as it speeds up the review process and creates a date-stamped record of receipt. If you have any questions or concerns regarding your application, or need guidance when completing your application, please feel free to contact the Department."

Public Comments - No public comments were received.

Action Items

- Proposed Research Project: Partner in National Study on SARS-CoV-2 (Video 11:24)
 - Acting Wildlife Director Ben Robinson introduced this proposed disease surveillance effort and staff veterinarian Dr. Christine Casey discussed the background and importance of the department taking an active partnership role. Discussion followed.
 - Doug Morgan made a **motion to partner with USDA to participate in the research project**, Dr. Floyd seconded. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
- Proposed Research Project: Renew Alligator Gar Research Contract (Video 25:00)
 - Dave Dreves, Fisheries Division Director, recommended that the Department continue its longitudinal study with Murray State University on the movements and habitat use of reintroduced Alligator Gar. Discussion followed.
 - Paul Horn made a **motion to accept the research project as written**, seconded by Josh Lillard. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
- Elk Permit Deferral – Add provision for Deployed U.S. Military Personnel (Video 30:13)
 - Deputy Commissioner Brian Clark introduced the recommendation made by Josh Lillard at the December meeting that the department amend [301 KAR 2:132](#) to allow deferral of elk permit use by permit holders who are

- members of military branches, reserves, or National Guard status and deployed or re-stationed making their scheduled hunt dates impracticable.
- Josh Lillard made a **motion to Amend the elk hunting regulation to add an elk permit deferral option for U.S. military personnel who are deployed or re-stationed outside of Kentucky after they have purchased an elk permit but before the scheduled start of their assigned hunt dates, making it impracticable for them to use their permit that year. This deferral option could be extended automatically for a second time if the hunter was also unable to hunt in the second year because of military assignment outside of Kentucky. A military service member using this deferral option must provide official military assignment papers to the elk program between May 1 and the start date of their assigned hunt in order to defer their permit, and to later use the permit he or she must contact the elk program to have their permit re-authorized for the hunt year to which they deferred their permit;** seconded by Brian Mackey. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***

Executive Session (Video 36:40)

- “All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times except for specific items listed in KRS 61.810.

The Commission has business today that will require entering into a closed session. KRS 61.815 requires notice of the general nature of the business to be discussed in the closed session, the reason for the closed session, and the provision of KRS 61.810 that authorizes it be publicly announced prior to entering closed session for most open meetings exceptions. Today's closed session is to discuss pending litigation against the Commission. Closed sessions for litigation matters are not subject to the requirements of KRS 61.815, however, in the interest of transparency, we shall provide that information.

In today's session, the Commission will receive an update regarding litigation with the Kentucky Open Government Coalition. This update regards the circuit court decision, the related appeal, and the Commission's appeal rights. This portion of the session will be closed to protect the Commission's litigation interests. The closed session is authorized by KRS 61.810 under Section 1(c). That section permits closed sessions for discussions of proposed or pending litigation against or on behalf of a public agency.

No final action will be taken in the session and no other business will be discussed other than that I just described.

During the closed session, necessary members of staff will be present to advise the Commission and make presentations regarding the topics I just described.

- Update on Open Records Litigation
- Discussion of Options

Action Item

- Vote on Next Step(s) in Litigation (Video 1:43:30)
 - Paul Horn **made a motion to follow legal counsel's recommended course of action with regard to the open records litigation**, seconded by Doug Morgan. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn, Doug Morgan. ***The motion carried.***
 - Made a motion **to approve the invoices presented by legal counsel**, Paul Horn seconded. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried.***

Adjourn (Video 1:46:39)

- Josh Lillard made a **motion to adjourn**, seconded by Paul Horn. The votes were as follows: Yes - Dr. Robin Floyd, Brian Fisher, Ralph Swallows, Brian Mackey, Josh Lillard, Jerry Ferrell, Paul Horn and Doug Morgan. ***The motion carried.***

Attachment A-4

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: April 22, 2022

Regulation Number: N/A

Regular or Emergency: N/A

Proposed Effective Timeframe: N/A

Action Item: Quarterly Financial Statement

Please continue to next page

Department of Fish & Wildlife Resources
Income Statement - FY22 / Q2

50.00%							Percent Earned / Expended
REVENUE	FY22 Year To Date			FY22 BUDGET			
	October	November	December		TOTALS		
<u>Restricted Fish and Game Fund</u>							
Hunting and Fishing Licenses	\$ 2,971,876.00	\$ 3,539,602.00	\$ 6,509,906.50	\$ 17,821,216.25	\$ 35,500,000.00		50.20%
Boat Registration Fees	\$ 41,457.04	\$ 18,852.64	\$ 13,545.05	\$ 602,498.45	\$ 6,000,000.00		10.04%
Interest Income	\$ (78,275.39)	\$ (12,115.34)	\$ (55,362.30)	\$ (127,780.09)	\$ 600,000.00		-21.30%
Camp Income	\$ 18,973.89	\$ 544.00	\$ -	\$ (5,714.83)	\$ 685,000.00		-0.83%
General Sales	\$ 27,119.06	\$ 17,980.04	\$ 24,382.16	\$ 152,109.47	\$ 240,000.00		63.38%
Otter Creek Outdoor Recreation Area	\$ 52,106.49	\$ 17,651.66	\$ 1,222.34	\$ 160,749.36	\$ 350,000.00		45.93%
Proceeds from Asset Disposition	\$ -	\$ -	\$ -	\$ -	\$ 270,000.00		0.00%
Fish and Game Fines & Forfeitures/ Restitution	\$ 13,632.40	\$ 7,654.00	\$ 18,671.57	\$ 71,142.00	\$ 130,000.00		54.72%
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 7,772.00	\$ (98,584.50)	\$ 11,796.00	\$ 66,110.50	\$ 40,000.00		165.28%
Miscellaneous Receipts	\$ (2,415.68)	\$ 15,105.99	\$ 106,173.26	\$ 162,719.28	\$ 1,881,700.00		8.65%
Sub-Total Restricted Fish and Game Fund	\$ 3,052,245.81	\$ 3,506,690.49	\$ 6,630,334.58	\$ 18,903,050.39	\$ 45,696,700.00		41.37%
<u>Sub-Total FILO Stream Mitigation Fund (matches FILO Fund Used for Operating Costs Only)</u>							
Sub-Total Federal Fish and Wildlife Fund	\$ 116,292.62	\$ 116,697.73	\$ 119,770.68	\$ 797,290.27	\$ 3,442,700.00		
	\$ 1,024,096.32	\$ 2,439,877.69	\$ 890,671.35	\$ 6,515,272.00	\$ 19,381,900.00		33.62%
TOTAL REVENUE	\$ 4,192,634.75	\$ 6,063,265.91	\$ 7,640,776.61	\$ 26,215,612.66	\$ 68,521,300.00		38.26%
<u>EXPENDITURES</u>							
Commissioner's Office	\$ 150,161.06	\$ 141,867.99	\$ 192,560.45	\$ 992,150.34	\$ 2,567,100.00		38.65%
Commission	\$ 1,752.80	\$ -	\$ 400.18	\$ 9,051.07	\$ 120,000.00		7.54%
Marketing Division	\$ 109,193.43	\$ 64,603.20	\$ 121,515.46	\$ 508,328.95	\$ 1,350,000.00		37.65%
Administrative Services Division	\$ 234,129.65	\$ 323,133.68	\$ 156,784.78	\$ 2,060,111.49	\$ 3,551,700.00		58.00%
Engineering Infrastructure and Technology Division	\$ 223,775.07	\$ 241,156.81	\$ 230,689.42	\$ 1,461,349.85	\$ 3,230,300.00		45.24%
Wildlife Division	\$ 1,262,615.93	\$ 1,351,714.36	\$ 1,558,441.70	\$ 8,445,115.36	\$ 18,700,000.00		45.16%
Fisheries Division	\$ 1,201,082.48	\$ 855,493.19	\$ 861,522.34	\$ 5,844,425.98	\$ 14,900,000.00		39.22%
Information & Education	\$ 518,117.40	\$ 528,321.97	\$ 532,463.48	\$ 4,059,322.56	\$ 8,368,500.00		48.51%
Law Enforcement	\$ 1,043,925.36	\$ 1,033,692.73	\$ 1,110,316.37	\$ 7,102,854.32	\$ 15,200,000.00		46.73%
OPERATING EXPENDITURES	\$ 4,744,753.18	\$ 4,539,983.93	\$ 4,764,694.18	\$ 30,482,709.92	\$ 67,987,600.00		44.84%
NET Gain/Loss Operating	\$ (552,118.43)	\$ 1,523,281.98	\$ 2,876,082.43	\$ (4,267,097.26)	\$ 533,700.00		

DEPARTMENT OF FISH AND WILDLIFE RESOURCES
Operating Budget Review
For the Month of December 2021 (FY22)

	December			Fiscal Year To Date		
	FY22	FY21		FY22	FY21	
REVENUE						
Restricted Funds						
Hunting and Fishing Licenses	\$ 6,509,906.50	\$ 7,111,701.00	\$ 5,656,944.00	\$ 17,821,216.25	\$ 17,462,790.01	\$ 15,843,912.50
Boat Registration Fees	\$ 13,545.05	\$ 37,508.14	\$ 8,735.31	\$ 602,498.45	\$ 1,554,688.05	\$ 624,552.62
Interest Income	\$ (55,362.30)	\$ 15,690.20	\$ 63,816.86	\$ (127,780.09)	\$ 45,596.90	\$ 343,033.66
Camp Income				\$ (5,714.83)	\$ -	\$ 3,313.00
General Sales	\$ 24,382.16	\$ 42,763.09	\$ 36,024.79	\$ 152,109.47	\$ 129,547.17	\$ 160,749.59
Otter Creek Outdoor Recreation Area	\$ 1,222.34	\$ 14,237.32	\$ 5,505.28	\$ 160,749.36	\$ 99,977.37	\$ 62,849.62
Proceeds from Asset Disposition				\$ -	\$ 78,000.00	\$ 281,604.00
Fish and Game Fines & Forfeitures/ Restitution	\$ 18,671.57	\$ 6,125.77	\$ 8,882.80	\$ 71,142.00	\$ 57,173.58	\$ 57,102.46
Nongame (includes Ky Wild and Income Tax Check-off)	\$ 11,796.00	\$ 15,243.50	\$ 3,905.00	\$ 66,110.50	\$ 51,637.00	\$ 21,200.00
Miscellaneous Receipts ¹	\$ 106,173.26	\$ 114,622.65	\$ 38,846.42	\$ 162,719.28	\$ 454,907.33	\$ 389,709.96
Sub-Total Restricted Fund	\$ 6,630,334.58	\$ 7,357,891.67	\$ 5,822,660.46	\$ 18,903,050.39	\$ 19,934,317.41	\$ 17,788,027.41
Sub-Total FILO (=Operating Costs of FILO Fund)	\$ 119,770.68	\$ 111,169.91	\$ 94,943.40	\$ 797,290.27	\$ 698,308.16	\$ 698,246.57
Sub-Total Federal Fish and Wildlife Fund	\$ 890,671.35	\$ 2,994,968.47	\$ 5,759,204.74	\$ 6,515,272.00	\$ 7,586,693.39	\$ 11,388,378.36
TOTAL REVENUE	\$ 7,640,776.61	\$ 10,464,030.05	\$ 11,676,808.60	\$ 26,215,612.66	\$ 28,219,318.96	\$ 29,874,652.34
EXPENDITURES						
Commissioner's Office	\$ 192,560.45	\$ 134,558.34	\$ 150,923.68	\$ 992,150.34	\$ 986,010.81	\$ 1,072,649.61
Commission	\$ 400.18	\$ 599.51	\$ 3,861.74	\$ 9,051.07	\$ 11,480.87	\$ 11,387.56
Marketing Division	\$ 121,515.46	\$ 74,891.54	\$ 66,461.45	\$ 508,328.95	\$ 402,327.87	\$ 396,724.03
Administrative Services Division	\$ 156,784.78	\$ 257,665.09	\$ 114,507.56	\$ 2,060,111.49	\$ 2,124,394.97	\$ 2,014,198.02
Engineering Infrastructure and Technology Division	\$ 230,689.42	\$ 198,515.66	\$ 205,304.03	\$ 1,461,349.85	\$ 1,311,051.24	\$ 1,250,324.33
Wildlife Division	\$ 1,558,441.70	\$ 1,314,530.84	\$ 1,382,133.94	\$ 8,445,115.36	\$ 7,791,900.89	\$ 8,155,374.96
Fisheries Division	\$ 861,522.34	\$ 1,190,549.77	\$ 815,547.35	\$ 5,844,425.98	\$ 5,753,173.32	\$ 5,882,471.94
Information & Education	\$ 532,463.48	\$ 479,923.84	\$ 562,607.09	\$ 4,059,322.56	\$ 3,294,744.78	\$ 4,185,690.29
Law Enforcement	\$ 1,110,316.37	\$ 962,003.68	\$ 1,206,008.31	\$ 7,102,854.32	\$ 6,412,627.79	\$ 6,769,548.29
OPERATING EXPENDITURES	\$ 4,764,694.18	\$ 4,613,238.27	\$ 4,507,355.15	\$ 30,482,709.92	\$ 28,087,712.54	\$ 29,738,369.03
NET Gain / Loss Operating	\$ 2,876,082.43	\$ 5,850,791.78	\$ 7,169,453.45	\$ (4,267,097.26)	\$ 131,606.42	\$ 136,283.31

Department of Fish and Wildlife Resources Cash Fund Balances - December 2021 (FY22)

	Beginning Balance (12/1/2021)	Revenue	Expenditures	Transfers	Ending Balance (12/31/21)
Agency Revenue Funds					
Restricted Fish & Game Fund (134R)	\$ 27,820,119.03	\$ 6,630,304.19	\$ (3,048,670.68)		\$ 31,401,752.54
Nongame Fish and Wildlife Fund (13NY)	\$ 27,251.83	\$ 30.39			\$ 27,282.22
Ky Heritage Land Conservation Mgmt Fund (13KR)	\$ 249,868.67				\$ 249,868.67
JC Williams WMA Management Funds (13QJ)	\$ 67,946.54	\$ (101.14)			\$ 67,845.40
Fees in Lieu of ("FILO") Stream Mitigation Fund (134S)	\$ 154,593,870.27	\$ 32,690.51	\$ (119,770.68)	\$ (2,210,000.00)	\$ 152,296,790.10
Capital Fund					
Various Capital Funded Projects (FILO, Agency Maintenance, etc.)	\$ 35,085,202.54		\$ (1,663,728.16)	\$ 2,210,000.00	\$ 35,631,474.38
Federal Fund					
F&W Federal Fund	\$ 4,677,173.38	\$ 1,535,212.77	\$ (1,615,070.08)		\$ 4,597,316.07
Special Deposit Trust Fund					
FW-Commissioner's Office Fund	\$ 8,916.24				\$ 8,916.24
	\$ 222,530,348.50	\$ 8,198,136.72	\$ (6,447,239.60)	\$ -	\$ 224,281,245.62

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: [301 KAR 1:410](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Spring 2023

Discussion Item: Amend 301 KAR 1:410 – Taking of fish by non-traditional fishing methods, to simplify and update where necessary

Introduction: The Fisheries Division would like to simplify and update sections of this regulation by specifically addressing some of the general provisions and the language regarding gigging and snagging in the Cumberland River below Lake Barkley and the Tennessee River below Kentucky Lake. Fisheries also proposes to update bow fishing regulations to include shovelnose sturgeon. Finally, Fisheries began stocking Carr Creek Lake with blue catfish last year and we previously proposed adding harvest restrictions using traditional fishing methods. We also recommend adding a hand-grabbing harvest restriction on large catfish at Carr Creek Lake.

General provision

- Statewide daily harvest limit of 2 paddlefish using any non-traditional fishing method
- Statewide daily harvest limit of 2 shovelnose sturgeon using any non-traditional fishing method
- Harvest of shovelnose sturgeon only allowed in the Ohio River basin
- No harvest of pallid sturgeon statewide (catch and release only)
- No daily harvest limit for Asian carp taken by non-traditional fishing methods

Gigging and Snagging

Statewide:

- Anglers must stop snagging when a daily limit of shovelnose sturgeon is caught Tennessee River below Kentucky Lake Dam:
- Prohibit snagging from the fishing piers located on the Tennessee River below Kentucky Lake dam
Cumberland River below Lake Barkley Dam:
- Prohibit gigging and snagging in the Cumberland River below Lake Barkley dam to the Highway 62 bridge
- Remove daily harvest limit of 8 rough fish and the requirement to keep them

Bow fishing

- Add shovelnose sturgeon to the list of fish that must be harvested if shot

Hand Grabbing

- Add Carr Creek Lake to the list of lakes where only 1 blue catfish or channel catfish over 25 inches may be harvested per angler per day

Kentucky Fish and Wildlife Commission Meeting

ACTION ITEM

DATE: December 3, 2021

Regulation Number: [301 KAR 2:185](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Spring 2023

Discussion Item: Amend 301 KAR 2:185 – Hunter Education (HE) regulation to:

- 1) remove the requirement for hunters to carry a physical HE-certification card, and
- 2) comply with changes to [KRS 150.170](#) enacted by [Senate Bill 241](#).

Introduction:

1) The requirement to carry an actual “card” for proof of hunter education is antiquated. Certified hunters currently have their hunter education status printed on their Kentucky license. Additionally, a hunter should be able to use electronic documentation (with proof of identity at age 16) to verify hunter education-certification. Certification requirements would not change, but a physical card would no longer be necessary.

2) Pending passage of SB 241, current and former members of the Armed Forces as well as active certified peace officers will be exempted from the live-fire range component of hunter education. In order for staff to verify an individual’s exemption status, the following documentation shall be required per regulation from each of the classes of constituents, respectively:

- Current Military - a copy of military ID
- Veterans of the Armed Forces - a copy of DD214 form
- Certified peace officers - a letter on employer’s official letterhead stating the individual is employed by the agency and is a peace officer as established in [KRS 15.380](#) and certified as established in [KRS 15.404](#).

Kentucky Fish and Wildlife Commission Meeting
NEW BUSINESS ITEM
DATE: April 22, 2022

Regulation Number: [301 KAR 2:140](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

New Business Item: Amend [301 KAR 2:144](#) – Fall wild turkey hunting

Introduction: The Department recommends establishing an objective standard for hunting wild turkeys with aid of bait in fall: a person shall not knowingly hunt wild turkeys within 200 yards (600 feet) of bait/feed during fall turkey seasons.

Of the 8 states that do specify a distance to bait for lawful harvest in their turkey hunting regulations, distances range from bait vary from 100 to 400 yards, with the nearest states being Georgia and Louisiana (both specifying a 200 yard minimum).

This change would help clarify for both hunters and conservation officers specifically what constitutes unlawful baiting for fall turkey hunting.

Kentucky Fish and Wildlife Commission Meeting
NEW BUSINESS ITEM
DATE: April 22, 2022

Regulation Number: 301 KAR 2:221

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

New Business Item: Amend 301 KAR 2:221 – Waterfowl seasons and limits

Introduction: The Wildlife Division recommends extending the falconry waterfowl season by moving the end date from February 15 to the last day of February, and setting the falconry Light Geese Conservation Order season as March 1-31.

Harvest of waterfowl by Kentucky falconers is extremely low and has no significant impact on waterfowl populations. The current falconry waterfowl season opens Thanksgiving Day and closes Feb. 15. The Department received in 2021 a request from the Kentucky Falconers Association to extend the regular waterfowl season for falconers, and our review of implications resulted in no anticipated conflicts with other user groups, nor concerns in terms of state or federal laws. The extension falls within frameworks allowed by the United States Fish and Wildlife Service (USFWS) for falconry. This would extend the season from an average of 82 days (range: 79 to 84 days) to an average of 95 days (range: 92 to 98 days). By moving the end date to the last day of Feb., we remove the problem in leap years of one Feb. day being closed to hunting. This is less than the maximum of 107 days allowed by the USFWS, and start date of light geese season complies with USFWS requirements. This change would also mean that the start date of the falconry Light Geese Conservation Order season would need to be moved from Feb. 16 to Mar. 1. (Retaining the Mar. 10 start date allowed by the USFWS would cause Kentucky to exceed 107 days in some years.)

In summary, we recommend amending Section 7 – Falconry Waterfowl Hunting to include:

- The light geese season shall run from Thanksgiving Day through the last day of February (instead of Feb. 15).
- The Light Geese Conservation Order season shall run from March 1 (instead of Feb. 16) through March 31.
- The season for all other waterfowl shall be from Thanksgiving Day through the last day of February (instead of Feb. 15).
- The daily limit shall be three (3) waterfowl, except that there shall not be a limit on light geese during the Light Geese Conservation Order season.
- The possession limit shall be nine (9) waterfowl, except that there shall not be a possession limit on light geese during the Light Geese Conservation Order season.

Kentucky Fish and Wildlife Commission Meeting

NEW BUSINESS ITEM

DATE: April 22, 2022

Regulation Number: [301 KAR 2:228](#)

Regular or Emergency: Regular

Proposed Effective Timeframe: Fall 2023

New Business Item: Amend 301 KAR 2:228 – Sandhill crane hunting requirements

Introduction: The Wildlife Division recommends removing the requirements to issue and use metal tags for sandhill cranes.

The Eastern Population Sandhill Crane Plan requires hunters to “tag” harvested sandhill cranes in the Mississippi Flyway. That plan does not specify tag material. Kentucky currently issues locking, metal tags. These tags are mailed to hunters after they complete their crane identification test and are issued a permit. These mailed tags have created several logistical challenges for hunters in past seasons. As much as 20% of tags are either lost in the mail or misplaced by hunters after being received. This has created an unfortunate barrier to timely participation in some cases. Many have been forced to either drive to Frankfort to pick up tags or wait up to a week to receive replacement metal tags in the mail. Additionally, hunters who wait to complete their ID test discover at the last minute they can’t hunt because they don’t have tags.

The Wildlife Division recommends removing the requirement for metal tags. Instead, the permit issued by our online system would be modified to include appropriate number of printable leg tags. These tags could then be cut out, and affixed to harvested sandhill cranes as required per the regulation.